

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re application of | |) |
| | Fishman, et al. |) |
| | |) |
| Serial No.: | 09/771,338 |) Art Unit |
| | |) 2141 |
| Filed: | January 26, 2001 |) |
| | |) |
| Conf. No.: | 6789 |) |
| | |) |
| For: | PUSHING RICH CONTENT INFORMATION |) |
| | TO MOBILE DEVICES |) |
| | |) |
| Examiner: | Kristie D. Shingles |) |
| | |) |
| Customer No.: | 022913 |) |

**DECLARATION UNDER 37 CFR § 1.131 AND § 1.47 BY ASSIGNEE ON
BEHALF OF UNAVAILABLE INVENTOR MARK LEDSOME**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. § 1.131 and § 1.47, I, Jerry Gnuschke, an authorized agent of Microsoft Corp., the assignee of the above-identified matter, declare on behalf of the named inventor Mark Ledsome as follows.

After the filing of this application, and more than a year prior to today's date, Mark Ledsome left his employment with Microsoft. After preparing the enclosed Declaration under 37 CFR § 1.131, we made repeated attempts to contact Mark Ledsome for his signature. Our attempts at correspondence have generally included electronic communications sent to his last known email address. We believe his last known email address remains valid and correct, and

we have received no indication from our communications to contradict this (e.g., there has been no reply electronic communication that the address is invalid or unaccepted). Unfortunately, Mark Ledsome has not responded to our requests for his signature.

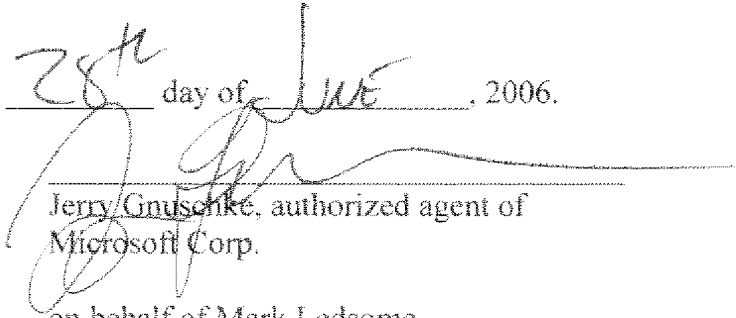
Accordingly, I declare on behalf of Mark Ledsome that, at least as early as the dates indicated in the enclosed Declaration under 37 CFR § 1.131 (signed by each remaining inventor), the named inventors on this matter did indeed conceive of the invention defined by the claims evidenced in Exhibit A thereof. Furthermore, I declare that each of the inventors diligently worked to reduce the invention to practice from the time of conception until the date of filing.

I declare that all statements made herein are of my own independent knowledge, and are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, I respectfully request that the enclosed Declaration under 37 CFR § 1.131 signed by each remaining inventor be entered without Mark Ledsome's signature; and, therefore, that the pending claims of the application for patent filed on January 26, 2001, be considered in light thereof.

Signed this 28th day of June, 2006.

Inventor:


Jerry Gnuschke, authorized agent of
Microsoft Corp.

on behalf of Mark Ledsome